

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HELENE E. SWANSON
Attorney General
4 State Bar No. 130426
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-3005
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-119**

13 **JOEL VENCIO CARDONA**
a.k.a., JOEL VENICO CARDONA
a.k.a., JOEL VINICIO CARDONA
465 Camino Real Street
14 Duarte, CA 91010-3450

A C C U S A T I O N

15 Registered Nurse License No. 474915

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about March 31, 1992, the Board of Registered Nursing (Board) issued
25 Registered Nurse License No. 474915 to Joel Vencio Cardona, also known as Joel Venico
26 Cardona, also known as Joel Vinicio Cardona (Respondent). The Registered Nurse License was
27 in full force and effect at all times relevant to the charges brought herein and will expire on
28 March 31, 2012, unless renewed.

1

2

4

5

6

10

14

20

23

- 24

26

27

1 “(f) Conviction of a felony or of any offense substantially related to the qualifications,
2 functions, and duties of a registered nurse, in which event the record of the conviction shall be
3 conclusive evidence thereof.”

4 7. Section 2762 states, in pertinent part:

5 “In addition to other acts constituting unprofessional conduct within the meaning of this
6 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
7 chapter to do any of the following:

8

9 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
10 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
11 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
12 himself or herself, any other person, or the public or to the extent that such use impairs his or her
13 ability to conduct with safety to the public the practice authorized by his or her license.”

14 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not
15 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
16 to render a decision imposing discipline on the license.

17 REGULATORY PROVISIONS

18 9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

19 “A conviction or act shall be considered to be substantially related to the qualifications,
20 functions or duties of a registered nurse if to a substantial degree it evidences the present or
21 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
22 safety, or welfare.”

23 COST RECOVERY

24 10. Section 125.3 of provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licensee found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

28 //

1 **CONTROLLED SUBSTANCES/ DANGEROUS DRUGS**

2 11. “Benzodiazepine,” is the brand name for Oxazepam. Oxazepam is used to relieve
3 anxiety, including anxiety caused by alcohol withdrawal. It is a Schedule IV controlled substance
4 as designated by Health and Safety Code section 11057, subdivision (d) and is categorized as a
5 dangerous drug pursuant to section 4022.

6 12. “Soma,” is the brand name for Carisoprodol, a muscle relaxant, and is categorized as
7 a dangerous drug pursuant to section 4022.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Convictions of Substantially Related Crimes)**

10 13. Respondent is subject to disciplinary action under Section 2761, subdivision (f) and
11 490, as defined in California Code of Regulations, title 16, Section 1444, in that Respondent was
12 convicted of crimes substantially related to the qualifications, functions or duties of a registered
13 nurse, as follows:

14 a. On or about September 1, 2010, after pleading nolo contendere, Respondent was
15 convicted of one misdemeanor count of violating Vehicle Code section 23103, subdivision (a)
16 [reckless driving] in the criminal proceeding entitled *The People of the State of California v. Joel*
17 *Vencio Cardona* (Super. Ct., Los Angeles County, 2010, No. 9PS74347). The Court sentenced
18 Respondent to one day in Los Angeles County Jail and placed him on three years’ probation, with
19 terms and conditions. The circumstances surrounding the conviction are that:

20 b. On or about October 30, 2009, Respondent drove a vehicle upon a highway in a
21 willful or wanton disregard for the safety of persons or property, causing a traffic collision with
22 injuries and damages to another. While speaking to Respondent, the Monrovia Police
23 Department Officer observed Respondent to have eye tremors, a dry mouth, a blank stare, and
24 was swaying from left to right. When asked if he had taken any illegal or prescription drugs,
25 Respondent stated, “Yes, I took two Somas. It is for my finger.” When asked if he knew he was
26 not to drive while taking the medication, Respondent stated, “Yeah, sorry.” He was subsequently
27 arrested for violating Health and Safety Code section 11550, subdivision (a) [under the influence
28 of a controlled substance], Vehicle Code section 23152, subdivision (a) [driving under the

1 influence of alcohol or drugs], and Vehicle Code section 23153, subdivision (a) [driving under
2 the influence of alcohol or drugs, resulting in injuries to another]. During the booking procedure,
3 Respondent submitted to a urine test and tested positive for Benzodiazepines.

4 c. On or about January 26, 2005, Respondent was convicted on his plea of guilty of one
5 misdemeanor count of violating Vehicle Code section 14601.5, subdivision (a) [driving a vehicle
6 while driving privilege is suspended or revoked] in the criminal proceeding entitled *The People of*
7 *the State of California v. Joel Vencio Cardona* (Super. Ct., Los Angeles County, 2005, No.
8 4AL02131). Respondent was placed on three years' probation, with terms and conditions. The
9 circumstances surrounding the conviction are that:

10 d. On or about April 2, 2004, Respondent was stopped by the Monrovia Police
11 Department for making an illegal U-turn in a business district, in violation of Vehicle Code
12 section 22102. Respondent was also charged with violating Vehicle Code section 14601.2,
13 subdivision(a), for driving a vehicle while his driving privilege was suspended and/or revoked,
14 with knowledge of the suspension and/or revocation.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Dangerous Use of a Controlled Substance)**

17 14. Respondent is subject to disciplinary action under Section 2761, subdivision (a), as
18 defined in Section 2762, subdivision (b), in that on or about October 30, 2009, Respondent used a
19 controlled substance to an extent or in a manner dangerous or injurious to herself, another person,
20 or the public. Complainant refers to, and by this reference incorporates, the allegations set forth
21 above in Paragraph 13, subdivisions (a)-(b), as though set forth fully herein.

22 **DISCIPLINARY CONSIDERATIONS**

23 15. In order to determine the degree of discipline, if any, to be imposed on Respondent,
24 Complainant alleges that on April 14, 2004, the Board issued a Decision in "the Matter of the
25 Accusation Against: Joel V. Cardona, Case No. 2003-178," which became effective on May 13,
26 2004. By its Decision, the Board revoked Respondent's Registered Nurse License No. 474915,
27 stayed the revocation, and placed him on three years' probation, with terms and conditions,
28

1 pursuant to sections 2761, subdivisions (a), (f), and 490, for convictions of substantially related
2 crimes.

3 PRAYER


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking, suspending and/or placing on probation Registered Nurse License No.
7 474915, issued to Joel Vencio Cardona a.k.a Joel Venico Cardona a.k.a. Joel Vinicio Cardona;

8 2. Ordering Joel Vencio Cardona a.k.a Joel Venico Cardona a.k.a. Joel Vinicio Cardona
9 to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant
10 to section 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: August 18, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

14
15
16
17
18
19
20
21
22
23
24
25
26
27 LA2011501057
60638386.docx
28

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2003-178

OAH No. L-2003030692

JOEL V. CARDONA
710 Oakdale Ave.
Monrovia, CA 91016

Registered Nurse License No. 474915

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on May 13, 2004.

IT IS SO ORDERED April 14, 2004.

Sandra R. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHEL W. VALENTINE, State Bar No. 153078
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-1034
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2003-178

12 **JOEL V. CARDONA**

OAH No. L-2003030692

~~6647 Balman Ave., Apt. 1~~ 710 OAKDALE AVE
13 ~~North Hollywood, CA 91606-1827~~ MONROVIA, CA
9/10/16

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Registered Nurse License No. 474915

15 Respondent.

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:
20

21 PARTIES

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing (Board), Department of Consumer Affairs. She brought this
24 action solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney
25 General of the State of California, by Michel W. Valentine, Deputy Attorney General.

26 2. Joel V. Cardona (Respondent) is representing himself in this proceeding
27 and has chosen not to exercise his right to be represented by counsel.

28 ///

3. On or about March 31, 1992, the Board issued Registered Nurse License No. 474915 to Joel V. Cardona (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2003-178 and will expire on March 31, 2004, unless renewed.

JURISDICTION

4. Accusation No. 2003-178 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 18, 2003. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2003-178 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2003-178. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent agrees that his Registered Nurse License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

///

1

2

1

4

7

8

21

20

1 monitoring of compliance with this term, respondent shall submit completed fingerprint cards
2 and fingerprint fees within 45 days of the effective date of the decision, unless previously
3 submitted as part of the licensure application process.

4 **CRIMINAL COURT ORDERS:** If respondent is under criminal court orders,
5 including probation or parole, and the order is violated, this shall be deemed a violation of these
6 probation conditions, and may result in the filing of an accusation and/or petition to revoke
7 probation.

8 2. **COMPLY WITH THE BOARD'S PROBATION PROGRAM** -

9 Respondent shall fully comply with the conditions of the Probation Program established by the
10 Board and cooperate with representatives of the Board in its monitoring and investigation of
11 respondent's compliance with the Board's Probation Program. Respondent shall inform the
12 Board in writing within no more than 15 days of any address change and shall at all times
13 maintain an active, current license status with the Board, including during any period of
14 suspension.

15 Upon completion of probation, respondent's license shall be fully restored.

16 3. **REPORT IN PERSON** - Respondent, during the period of probation, shall
17 appear in person at interviews/meetings as directed by the Board or its designated representatives.

18 4. **RESIDENCY, OR PRACTICE, OR LICENSURE OUTSIDE OF**
19 **STATE** - Periods of residency or practice as a registered nurse outside of California shall not
20 apply toward a reduction of this probationary time period. The respondent must provide written
21 notice to the Board within 15 days of any change of residency or practice outside the state, and
22 within 30 days prior to re-establishing residency or returning to practice in this state.

23 Respondent shall provide a list of all states and territories where he or she has
24 ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall
25 further provide information regarding the status of each license and any changes in such license
26 status during the term of probation. Respondent shall inform the Board if h/she applies for or
27 obtains a new nursing license during the term of probation.

28 ///

1 5. **SUBMIT WRITTEN REPORTS** - Respondent, during the period of
2 probation, shall submit or cause to be submitted such written reports/declarations and verification
3 of actions under penalty of perjury, as required by the Board. These reports/declarations shall
4 contain statements relative to Respondent's compliance with all the conditions of the Board's
5 Probation Program. Respondent shall immediately execute all release of information forms as
6 may be required by the Board or its representatives.

7 Respondent shall provide a copy of this decision to the nursing regulatory agency
8 in every state and territory in which he or she has a registered nurse license.

9 6. **FUNCTION AS A REGISTERED NURSE** - Respondent, during the
10 period of probation, shall engage in the practice of registered nursing in California for a
11 minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

12 For purposes of compliance with the section, "engage in the practice of registered
13 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
14 work in any non-direct patient care position that requires licensure as a registered nurse.

15 The Board may require that advanced practice nurses engage in advanced practice
16 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
17 Board.

18 If respondent has not complied with this condition during the probationary term,
19 and respondent has presented sufficient documentation of his or her good faith efforts to comply
20 with this condition, and if no other conditions have been violated, the Board, in its discretion,
21 may grant an extension of Respondent's probation period up to one year without further hearing
22 in order to comply with this condition. During the one year extension, all original conditions or
23 probation shall apply.

24 7. **EMPLOYMENT APPROVAL AND REPORTING**
25 **REQUIREMENTS** - Respondent shall obtain prior approval from the Board before
26 commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent
27 shall cause to be submitted to the Board all performance evaluations and other employment
28 related reports as a registered nurse upon request of the Board.

1 Respondent shall provide a copy of this decision to his or her employer and
2 immediate supervisors prior to commencement of any nursing or other health care related
3 employment.

4 In addition to the above, respondent shall notify the Board in writing within
5 seventy-two (72) hours after he or she obtains any nursing or other health care related
6 employment. Respondent shall notify the Board in writing within seventy-two (72) hours after
7 he or she is terminated or separated, regardless of cause, from any nursing, or other health care
8 related employment with a full explanation of the circumstances surrounding the termination or
9 separation.

10 8. SUPERVISION - Respondent shall obtain prior approval from the Board
11 regarding respondent's level of supervision and/or collaboration before commencing or
12 continuing any employment as a registered nurse, or education and training that includes patient
13 care.

14 Respondent shall practice only under the direct supervision of a registered nurse
15 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
16 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
17 are approved.

18 Respondent's level of supervision and/or collaboration may include, but is not
19 limited to the following:

20 (a) Maximum - The individual providing supervision and/or collaboration is
21 present in the patient care area or in any other work setting at all times.

22 (b) Moderate - The individual providing supervision and/or collaboration is in
23 the patient care unit or in any other work setting at least half the hours respondent works.

24 (c) Minimum - The individual providing supervision and/or collaboration has
25 person-to-person communication with respondent at least twice during each shift worked.

26 (d) Home Health Care - If respondent is approved to work in the home health
27 care setting, the individual providing supervision and/or collaboration shall have person-to-
28 person communication with respondent as required by the Board each work day. Respondent

1 shall maintain telephone or other telecommunication contact with the individual providing
2 supervision and/or collaboration as required by the Board during each work day. The individual
3 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
4 site visits to patients' homes visited by the respondent with or without respondent present.

5 9. **EMPLOYMENT LIMITATIONS** - Respondent shall not work for a
6 nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement
7 agency, a traveling nurse, or for an in-house nursing pool.

8 Respondent shall not work for a licensed home health agency as a visiting nurse
9 unless the registered nursing supervision and other protections for home visits have been
10 approved by the Board. Respondent shall not work in any other registered nursing occupation
11 where home visits are required.

12 Respondent shall not work in any health care setting as a supervisor of registered
13 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
14 nurses and/or unlicensed assistive personnel on a case-by-case basis.

15 Respondent shall not work as a faculty member in an approved school of nursing
16 or as an instructor in a Board approved continuing education program.

17 Respondent shall work only on a regularly assigned, identified and predetermined
18 worksite(s) and shall not work in a float capacity.

19 Respondent may work in his current capacity at Professional Staffing. Should he
20 change employment within this agency or change employment, further approval must be granted
21 by the Board.

22 If the respondent is working or intends to work in excess of 40 hours per week,
23 the Board may request documentation to determine whether there should be restrictions on the
24 hours of work.

25 10. **COMPLETE A NURSING COURSE(S)** - Respondent, at his or her own
26 expense, shall enroll and successfully complete a course(s) relevant to the practice of registered
27 nursing no later than six months prior to the end of his probationary term.

28 ///

1 Respondent shall obtain prior approval from the Board before enrolling in the
2 course(s). Respondent shall submit to the Board the original transcripts or certificates of
3 completion for the above required course(s). The Board shall return the original documents to
4 respondent after photocopying them for its records.

5 11. **COST RECOVERY** - Respondent shall pay to the Board costs associated
6 with its investigation and enforcement pursuant to Business and Professions Code Section 125.3
7 in the amount of four thousand, four hundred thirty dollars \$4,430.00. Respondent shall be
8 permitted to pay these costs in a payment plan approved by the Board, with payments to be
9 completed no later than three months prior to the end of the probation term.

10 If respondent has not complied with this condition during the probationary term,
11 and respondent has presented sufficient documentation of his or her good faith efforts to comply
12 with this condition, and if no other conditions have been violated, the Board, in its discretion,
13 may grant an extension of the respondent's probation period up to one year without further
14 hearing in order to comply with this condition. During the one year extension, all original
15 conditions of probation will apply.

16 12. **LICENSE SURRENDER** - During respondent's term of probation, if he
17 or she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the
18 conditions of probation, respondent may surrender his or her license to the Board. The Board
19 reserves the right to evaluate respondent's request and to exercise its discretion whether to grant
20 the request, or to take any other action deemed appropriate and reasonable under the
21 circumstances, without further hearing. Upon formal acceptance of the tendered license and wall
22 certificate, respondent will no longer be subject to the conditions of probation.

23 Surrender of respondent's license shall be considered a disciplinary action and
24 shall become a part of respondent's license history with the Board. A registered nurse whose
25 license has been surrendered may petition the Board for reinstatement no sooner than the
26 following minimum periods from the effective date of the disciplinary decision:

27 (1) Two years for reinstatement of a license that was surrendered for any
28 reason other than a mental or physical illness; or

1 (2) One year for a license surrendered for a mental or physical illness.

2 13. **PHYSICAL EXAMINATION** - Within 45 days of the effective date of
3 this decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner,
4 or physician assistant, who is approved by the Board before the assessment is performed, submit
5 an assessment of respondent's physical condition and capability to perform the duties of a
6 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
7 medically determined, a recommended treatment program will be instituted and followed by
8 respondent with the physician, nurse practitioner, or physician assistant providing written reports
9 to the Board on forms provided by the Board.

10 If respondent is determined to be unable to practice safely as a registered nurse,
11 the licensed physician, nurse practitioner, or physician assistant making this determination shall
12 immediately notify the Board and respondent by telephone, and the Board shall request that the
13 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
14 shall immediately cease practice and shall not resume practice until notified by the Board.
15 During this period of suspension, respondent shall not engage in any practice for which a license
16 issued by the Board is required until the Board has notified respondent that a medical
17 determination permits Respondent to resume practice. This period of suspension will not apply
18 to the reduction of this probationary time period.

19 If the respondent fails to have the above assessment submitted to the Board within
20 the 45-day requirement, respondent shall immediately cease practice and shall not resume
21 practice until notified by the Board. This period of suspension will not apply to the reduction of
22 this probationary time period. The Board may waive or postpone this suspension only if
23 significant, documented evidence of mitigation is provided. Such evidence must establish good
24 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
25 be provided. Only one such waiver or extension may be permitted.

26 14. **MENTAL HEALTH EXAMINATION** - Respondent shall, within 45
27 days of the effective date of this decision, have a mental health examination including
28 psychological testing as appropriate to determine his/her capability to perform the duties of a

1 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
2 licensed mental health practitioner approved by the Board. The examining mental health
3 practitioner will submit a written report of that assessment and recommendations to the Board.
4 All costs are the responsibility of the respondent. Recommendations for treatment, therapy or
5 counseling made as a result of the mental health examination will be instituted and followed by
6 respondent.

7 If respondent is determined to be unable to practice safely as a registered nurse,
8 the licensed mental health care practitioner making this determination shall immediately notify
9 the Board and respondent by telephone, and the Board shall request that the Attorney General's
10 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
11 practice and may not resume practice until notified by the Board. During this period of
12 suspension, respondent shall not engage in any practice for which a license issued by the Board is
13 required, until the Board has notified respondent that a mental health determination permits
14 respondent to resume practice. This period of suspension will not apply to the reduction of this
15 probationary time period.

16 If the respondent fails to have the above assessment submitted to the Board within
17 the 45-day requirement, respondent shall immediately cease practice and shall not resume
18 practice until notified by the Board. This period of suspension will not apply to the reduction of
19 this probationary time period. the Board may waive or postpone this suspension only if
20 significant, documented evidence of mitigation is provided. Such evidence must establish good
21 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
22 be provided. Only one such waiver or extension may be permitted.

23 15. **THERAPY OR COUNSELING PROGRAM** - Respondent, at his/her
24 expense, shall participate in an on-going counseling program until such time as the Board
25 releases him/her from this requirement and only upon the recommendation of the counselor.
26 Written progress reports from the counselor will be required at various intervals.

27 ///

28 ///

16. **VIOLATION OF PAROLE** - If respondent violates his criminal parole, this shall be deemed a violation of probation and may result in the filing of an accusation or a petition to revoke probation.

17. **VIOLATION OF PROBATION** - If a respondent violates the conditions of his/her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license.

If during the probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been request to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 9/15/03

JOEL V CARDONA
Respondent

///

///

///

///

///

///

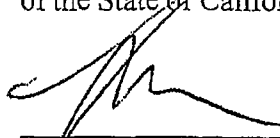
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 9/19/03

BILL LOCKYER, Attorney General
of the State of California



MICHEL W. VALENTINE
Deputy Attorney General

Attorneys for Complainant

DOJ DN: 03579110-LA20021135
i:/all/Valentine/Draft Pleadings/Cardona-stip#2 w new guidelines
9/8/2003dmc

Exhibit A

Accusation No. 2003-178

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHEL W. VALENTINE, State Bar No. 153078
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-1034
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2003-178

12 JOEL V. CARDONA
6651 Elmer Ave., #3
13 North Hollywood, California 91606
14 Registered Nurse License No. 474915

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about March 31, 1992, the Board of Registered Nursing ("Board")
23 issued Registered Nurse license number 474915 to Joel V. Cardona ("Respondent"). The license
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 March 31, 2004, unless renewed.

26 STATUTORY PROVISIONS

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Section 2761 of the Code states:

4 "The Board may take disciplinary action against a certified or licensed nurse or
5 deny an application for a certificate or license for any of the following:

6 (a) Unprofessional conduct, which includes, but is not limited to, the following:

7

8 (f) Conviction of a felony or of any offense substantially related to the
9 qualifications, functions, and duties of a registered nurse, in which event the record of the
10 conviction shall be conclusive evidence thereof."

11 5. Section 490 of the Code states:

12 "A board may suspend or revoke a license on the ground that the licensee has been
13 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
14 of the business or profession for which the license was issued. A conviction within the meaning
15 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
16 contendere. Any action which a board is permitted to take following the establishment of a
17 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
18 been affirmed on appeal, or when an order granting probation is made suspending the imposition
19 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
20 Penal Code."

21 6. Section 125.3 of the Code provides, in pertinent part, that the Board may
22 request the administrative law judge to direct a licensee found to have committed a violation or
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
24 and enforcement of the case.

25 FIRST CAUSE FOR DISCIPLINE

26 (Conviction of a Crime)

27 7. Respondent is subject to disciplinary action under Code sections 2761(f)
28 and 490 in that on or about October 16, 1998, in San Bernardino County Superior Court, Case

1 No. FCH02608, entitled *People v. Joel Venico Cardona*, Respondent was convicted by the Court
2 on his plea of nolo contendere to violating Penal Code section 422 (terrorist threats).

3 The circumstances of the crime were that on or about November 13, 1997,
4 Respondent willfully and unlawfully threatened to commit a crime which would result in death
5 and great bodily injury to JC, with the specific intent that the statement be taken as a threat. The
6 threatened crime, on its face and under the circumstances in which it was made, was so
7 unequivocal, unconditional, immediate and specific as to convey to JC a gravity of purpose and
8 an immediate prospect of execution and JC was reasonably in sustained fear of her safety and the
9 safety of her immediate family.

10 SECOND CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct)

12 8. Respondent is subject to disciplinary action under Code section 2761(a) on
13 the grounds of unprofessional conduct as set forth above in paragraph 7.

14 OTHER MATTERS

15 9. On or about May 10, 1989, in Los Angeles County Superior Court, Case
16 No. A713324, entitled *People v. Joel Venico Cardona*, Respondent was convicted by the Court
17 on his plea of guilty to violating Penal Code section 459 (residential burglary).

18 The circumstances of the crime were that on or about March 19, 1989,
19 Respondent willfully and unlawfully entered an inhabited dwelling house and trailer coach and
20 inhabited portion of a building occupied by MA and FA, with the intent to commit larceny and
21 any felony.

22 10. On or about August 22, 1990, in Los Angeles County Municipal Court,
23 Case No. 90P08787, entitled *People v. Joel Venico Cardona*, Respondent was convicted by the
24 Court on his plea of nolo contendere to violating Penal Code section 647(B) (disorderly conduct-
25 prostitution).

26 ///

27 ///

28 ///

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse license number 474915, issued
5 to Joel V. Cardona;

6 2. Ordering Joel V. Cardona to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 11/31/02

11
12 Ruth Ann Terry
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

19
20
21
22
23
24
25
26
27
28
LA2002AD1135
Accusation (kdg) 12/16/02